



Application No. 09/392,869  
Attorney Docket No. S-0802

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

STEVEN P. NOLAN ET AL.

APPLN NO.: 09/392,869

CONFIRMATION NO.: 1913

FILED: SEPTEMBER 9, 1999

CATALYST COMPLEX WITH  
CARBENE LIGAND

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)  
) GROUP ART UNIT: 1621  
)  
)  
) EXAMINER:  
) NAZARIO GONZALEZ, PORFIRIO  
)  
)

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**STATEMENT REGARDING PATENT TERM ADJUSTMENT**

In order to fully comply with the duty of candor and good faith before the Office, this letter is submitted as suggested in M.P.E.P. § 2733 (although not required under 37 C.F.R. 1.705). Applicants believe that there may be an error in the calculation of the number of days in the Patent Term Adjustment stated in the Determination of Patent Term Adjustment mailed in the above application on June 9, 2009, which number of days is a greater Adjustment than expected by Applicants. In particular, Applicants point out that, at a minimum, the time after the Request for Continued Examination filed on October 22, 2003, at which time the case had been pending for more than three years, should not be counted in the calculation of Patent Term Adjustment. At least some of the Adjustment appears to have been added in the present application after October 22, 2003. It is also possible that the Adjustment should have stopped when the case was withdrawn from issue on March 19, 2002, after the issue fee had been paid, depending on the interpretation of 37 C.F.R. 1.704(c)(2) in conjunction with 37 C.F.R. 1.314. Most of the Adjustment appears to have been added in the present application after March 19, 2002. Thus, the time after either March 19, 2002, or October 22, 2003, should not be counted in the calculation of Patent Term Adjustment, and appears to have been added to the Adjustment in the present application.

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Entry of this paper into the file history of the above-referenced application is requested. The Issue Fee in the above-referenced application is being paid on September 9, 2009.

If any matters remain that require further consideration, the Examiner is requested to telephone the undersigned at the number given below so that such matters may be discussed, and if possible, promptly resolved.

Please continue to address all correspondence in this Application to McGlinchey Stafford at the address of record.

Respectfully submitted,

/Mary H. Drabnis/

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that the above listed documents, are being transmitted on the date indicated below to the Patent and Trademark Office, Office of Patent Publications, via facsimile number 1-571-273-2885.

September 9, 2009  
Date

Signed: Jane L. Hartdegen/  
Jane L. Hartdegen